

1971 Assembly Bill 13

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CHAPTER 130, Laws of 1971

AN ACT to amend 66.067 and 67.04 (1) (w); and to create 59.07 (135), 144.30 (10) and (11), 144.435, 144.437 and 144.445 of the statutes, relating to authority of counties to engage in solid waste disposal and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.07 (135) of the statutes is created to read:

59.07 (135) SOLID WASTE MANAGEMENT. The county board of any county may establish and operate a solid waste management system or participate in such system jointly with other counties, cities, villages or towns. For this purpose, the county board may exercise the following powers:

(a) Develop plans for a solid waste management system.

(b) Within such county or joint county, collect, transport, dispose of, destroy or transform wastes, including, without restriction because of enumeration, garbage, ashes, or incinerator residue, municipal, domestic, agricultural, industrial and commercial rubbish, waste or refuse material, including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes.

(c) Acquire lands by purchase, lease, donation or eminent domain, within the county, for use in the solid waste management system.

(d) Authorize employes or agents to enter upon lands to conduct reasonable and necessary investigations and tests to determine the suitability of sites for solid waste management activities whenever permission is obtained from the property owner.

(e) Acquire by purchase, lease, donation or eminent domain such easements or other limited interests in lands as are desired or needed to assure compatible land uses in the environs of any site that is part of the solid waste disposal system.

(f) Establish operations and methods of waste management as are deemed appropriate. Waste burial operations shall be in accordance with sanitary landfill methods and the sites shall, insofar as practicable, be restored and made suitable for attractive recreational or productive use upon completion of waste disposal operations.

(g) Acquire necessary equipment, use equipment and facilities of the county highway agency, and construct, equip and operate incinerators or other structures to be used in the solid waste management system.

(h) Adopt and enforce ordinances necessary for the conduct of the solid waste management system and provide forfeitures for violations.

(i) Contract with private collectors or transporters or municipalities to receive and dispose of wastes.

(j) Engage in, sponsor or cosponsor research and demonstration projects intended to improve the techniques of solid waste management or to increase the extent of reuse or recycling of materials and resources included within the wastes.

(k) Accept funds derived from state or federal grant or assistance programs and enter into necessary contracts or agreements.

(l) Appropriate funds and levy taxes to provide funds for acquisition or lease of sites, easements, necessary facilities and equipment and for all other costs required for the solid waste management system except that no town, city or village which operates its own waste collection and disposal facility, or property therein, shall be subject to any tax levied hereunder to cover the cost of operation of these functions. Such appropriations may be treated as a revolving capital fund to be reimbursed from proceeds of the system.

(m) Make payments to any municipality in which county disposal sites or facilities are located to cover the reasonable costs of services rendered to such sites or facilities.

(n) Charge or assess reasonable fees, approximately commensurate with the costs of services rendered to persons using the services of the county solid waste management system. Fees may include a reasonable charge for depreciation which shall create a

reserve for future capital outlays for waste disposal facilities or equipment. All assessments for liquid waste shall be assessed by volume.

(o) Districts may be created and different types of solid waste collection or disposal services provided within them and different regulations and cost allocations may be applied to each service district. Costs allocated to such service districts may be provided by general tax upon the property of the respective districts or by allocation of charges to the cities, villages or towns whose territory is included within such districts.

(p) Utilize or dispose of by sale or otherwise any and all products or by-products of the solid waste management system.

SECTION 2. 66.067 of the statutes is amended to read:

66.067 For financing purposes, garbage incinerators, toll bridges, swimming pools, tennis courts, parks, playgrounds, golf links, bathing beaches, bathhouses, street lighting, city halls, courthouses, jails, schools, hospitals, homes for the aged or indigent, regional projects, waste collection and disposal operations, systems of sewerage and any and all other necessary public works projects undertaken by any town, village, city, county, other municipality, or a commission created by contract under s. 66.30, are public utilities within the meaning of s. 66.066. In financing under that section, rentals and fees shall be considered as revenue. Any indebtedness created pursuant to this section shall not be included in arriving at the constitutional debt limitation.

SECTION 3. 67.04 (1) (w) of the statutes is amended to read:

67.04 (1) (w) ~~In counties having a population of 500,000 or more, to~~ To acquire lands and improve the same by providing facilities including but not limited to the construction of incinerators, compost plants, transfer stations, recycling or processing plants and sanitary landfills for the management of solid wastes and the disposal of waste as defined in s. 59.07 (52)(b) (135).

SECTION 4. 144.30 (10) and (11) of the statutes are created to read:

144.30 (10) "Solid waste management" means planning, organizing, financing, and implementing programs to effect the storage, collection, transporting, processing, recycling or final disposal of solid wastes in a sanitary, nuisance-free manner.

(11) "Solid waste management plan" means a plan prepared to provide for solid waste management.

SECTION 5. 144.435 of the statutes is created to read:

144.435 SOLID WASTE MANAGEMENT. (1) Each county board individually or jointly with another county board may prepare and adopt a county solid waste management plan consistent with state criteria.

(2) All county plans shall be submitted to the department of local affairs and development for review. Within 90 days after submittal, the department of local affairs and development shall transmit the plans and its recommendations to the department of natural resources for approval. During its review, the department of local affairs and development may consult with the appropriate regional planning commission to determine whether any site use and operation is not in conflict with any plans adopted by the commission.

SECTION 6. 144.437 of the statutes is created to read:

144.437 SOLID WASTE MANAGEMENT CRITERIA. The department of local affairs and development shall by rule adopt county solid waste management criteria for the development of the plans permitted under s. 144.435.

SECTION 7. 144.445 of the statutes is created to read:

144.445 (1) Any site which meets all state standards and is to be operated either by a governmental jurisdiction or combination thereof engaged in solid waste management in accordance with an approved county plan shall not be required to obtain any local permits or authorization.

(2) (a) Notwithstanding s. 144.44 (2), if a solid waste disposal site designed to serve a county or 2 or more municipalities is otherwise eligible for licensing except for failure to obtain a local permit, the department may, after notice and hearing, issue a license under s. 144.44 for the operation of said site. In issuing said license the department must find that the requirements of public health, safety and welfare require the waiver of local approvals as a condition precedent to issuance of a license.

(b) Any license issued under this section shall supersede all local requirements. However, operations licensed under this section may be required to render payments in lieu of local license or permit fees to the municipality in whose jurisdiction they lie not to exceed \$100 per site per year.
